

Pro Se 4 (Rev. 12/16) Complaint for a Civil Case Alleging Breach of Contract

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

MICHAEL CHRISTOPHER LEE

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

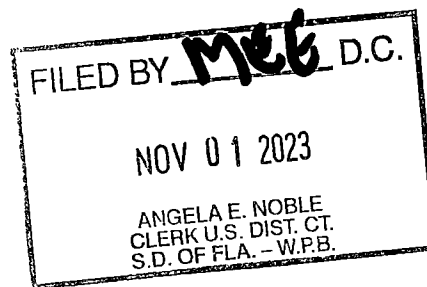
-v-

SCG ATLAS BOYNTON I, LLC DBA COVE AT  
BOYNTON BEACH

HIGHMARK RESIDENTIAL, LLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☐ No

**COMPLAINT FOR A CIVIL CASE ALLEGING BREACH OF CONTRACT**  
(28 U.S.C. § 1332; Diversity of Citizenship)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	MICHAEL CHRISTOPHER LEE
Street Address	903 Asbury Way
City and County	Boynton Beach, Palm Beach County
State and Zip Code	FL 33426
Telephone Number	815-919-2848
E-mail Address	Michael.clee91@yahoo.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	SCG ATLAS BOYNTON I, LLC dba COVE AT BOYNTON BEACH
Job or Title <i>(if known)</i>	
Street Address	591 West Putnam Ave
City and County	Greenwich, Fairfield County
State and Zip Code	Connecticut 06830
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	HIGHMARK RESIDENTIAL, LLC
Job or Title <i>(if known)</i>	
Street Address	5429 LBJ Freeway suite 800
City and County	Dallas, Dallas County
State and Zip Code	Texas 75240
Telephone Number	214-561-1380
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

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**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

**A. The Plaintiff(s)**

1. If the plaintiff is an individual

The plaintiff, (name) MICHAEL CHRISTOPHER LEE, is a citizen of the  
State of (name) Florida.

2. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**B. The Defendant(s)**

1. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

2. If the defendant is a corporation

The defendant, (name) SCG ATLAS BOYNTON I, LLC, is incorporated under  
the laws of the State of (name) Connecticut, and has its  
principal place of business in the State of (name) Connecticut.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

**C. The Amount in Controversy**

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

**II. Basis for Jurisdiction.**

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

**A. The Plaintiff(s)**

1. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, is a citizen of the  
State of (name) \_\_\_\_\_.

2. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**B. The Defendant(s)**

1. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

2. If the defendant is a corporation

The defendant, (name) HIGHMARK RESIDENTIAL, LLC \_\_\_\_\_, is incorporated under  
the laws of the State of (name) Connecticut \_\_\_\_\_, and has its  
principal place of business in the State of (name) Connecticut \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

**C. The Amount in Controversy**

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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Chief Accounting Officer, Paul Cooper of Highmark Residential, LLC did not perform contractual fiduciary duties causing a breach of contract. According to Federal Reserve Act section 29, the maximum daily amount of any civil penalty which may be assessed for a breach of fiduciary duties shall be no more than \$1,000,000 a day.

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The plaintiff, (name) MICHAEL CHRISTOPHER LEE, and the defendant, (name) SCG ATLAS BOYNTON I, LLC, made an agreement or contract on (date) 12/21/2022. The agreement or contract was (oral or written) Written. Under that agreement or contract, the parties were required to (specify what the agreement or contract required each party to do) See Attachment

The defendant failed to comply because (specify what the defendant did or failed to do that failed to comply with what the agreement or contract required) See Attachment

The plaintiff has complied with the plaintiff's obligations under the contract.

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff is asking the court to order the landlord to accept a negotiable instrument as payment. Plaintiff received a letter on 10/6/23 stating that if no payment is received within 30 days Plaintiff will have an eviction proceeding filed against him. Plaintiff complied with his obligations under the lease agreement by attempting to pay the monthly rent with a negotiable instrument. Plaintiff also received a billing statement dated 10/13/23 showing that the principle's balance has not been applied to the principle's account for set-off. Plaintiff is also seeking an additional \$10,000 payable to the attorney-in-fact for legal fees.

### III. Statement of Claim

Under that agreement or contract, the parties were required to:

1. Lease states that SCG ATLAS BOYNTON I, LLC is the landlord and Highmark Residential, LLC serves as apartment managers. Highmark Residential, LLC is authorized to receive notices and demands on landlord's behalf. Lease agreement also states tenant must not withhold or offset rent unless authorized by statute. Plaintiff attempted to setoff monthly rent by using a negotiable instrument. Plaintiff endorsed the negotiable instrument and instructed Paul Cooper, Chief Accounting Officer of Highmark Residential, LLC, in writing to apply the principle's balance to the principle's account for setoff. Plaintiff's 1st letter of instructions, endorsed bill, and Power of Attorney was mailed to Paul Cooper via USPS Priority Mail Express 1-Day with tracking on 9/25/23. Paul Cooper did not perform fiduciary duties and a 2nd letter of instructions and endorsed bill was mailed via USPS Priority Mail Express 1-Day with tracking on 10/3/23. Again, Paul Cooper did not perform fiduciary duties and Plaintiff mailed a 3rd letter of instructions, endorsed bill, and Power of Attorney via USPS Certified with tracking on 10/10/23.

2. Plaintiff also attempted to setoff monthly rent by sending an endorsed bill to Cove at Boynton Beach located at 100 Newlake Dr Boynton Beach FL, 33426. Plaintiff's 1st endorsed bill was mailed on 9/26/23 via USPS Certified. 2nd endorsed bill was mailed on 10/3/23 via USPS Certified. Lastly, a 3rd endorsed bill was mailed on 10/10/23 via USPS Certified as well.

The defendant failed to comply because Paul Cooper was instructed by plaintiff to apply the principle's balance to the principle's account for each and every billing cycle for setoff. Paul Cooper was also instructed to communicate in writing within 5 business days once instructions are completed. If instructions are not completed, Paul Cooper was to respond in writing within 5 business days giving reason for non-performance of fiduciary duties. The principle's balance was not applied to the principle's account for setoff. Therefore, by not accepting Plaintiff's bill of exchange, Plaintiff is not able to setoff rent for each and every billing cycle.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/01/2023

Signature of Plaintiff

Printed Name of Plaintiff

Lee, Michael C  
MICHAEL CHRISTOPHER LEE

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address